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8 Attorneys for Plaintiff

10 UNITED STATES DISTRICT COURT  
11 NORTHERN DISTRICT OF CALIFORNIA  
12 SAN JOSE DIVISION

13 UNITED STATES OF AMERICA, ) No. CR 12 - 00527 MAG  
14 Plaintiff, )  
15 v. ) STIPULATION AND  
16 KATHLEEN BORKENHAGEN, ) [PROPOSED] ORDER  
17 Defendants. )  
18 \_\_\_\_\_ )

19 WHEREAS, the government has filed an information in connection with the above-  
20 entitled matter;

21 WHEREAS, the parties were scheduled for a status hearing before this Court on Friday,  
22 February 1, 2013, as to further proceedings in connection with this matter;

23 WHEREAS, defense counsel is continuing to review documents in connection with  
24 evaluating and analyzing this matter as well as providing relevant documents to the United  
25 States, particularly in reference to the nature and amount of restitution;

26 WHEREAS, counsel for the parties jointly agree and stipulate that a continuance of this  
27 matter is appropriate in order to ensure effective preparation of counsel, pursuant to 18 U.S.C. §  
28 3161(h)(7)(B)(iv);

1 THEREFORE, the parties mutually and jointly agree that time should be excluded from  
2 February 1, 2013, up and including March 1, 2013. The parties agree that excluding time until  
3 March 1, 2013, is necessary, given the need to maintain continuity of counsel. The parties also  
4 agree that failing to grant a continuance would deny counsel for the defense the reasonable time  
5 necessary for effective preparation and continuity of counsel, taking into account the exercise of  
6 due diligence. See 18 U.S.C. § 3161(h)(7)(B)(iv). Finally, the parties agree that the ends of  
7 justice served by excluding time from February 1, 2013, until March 1, 2013, outweigh the best  
8 interest of the public and the defendant in a speedy trial. Id. § 3161(h)(7)(A).

9 **STIPULATED:**

10 DATED: January 30, 2013

/s/  
MANUEL ARAUJO  
Attorney for KATHLEEN BORKENHAGEN

13 DATED: January 30, 2013

/s/  
TIMOTHY J. LUCEY  
Assistant United States Attorney

16 **ORDER**

17 For good cause shown, the Court enters this order excluding time from February 1, 2013,  
18 up to and including March 1, 2013. Specifically, the parties agree, and the Court finds and holds  
19 that such that time should be excluded until March 1, 2013, and furthermore that failing to grant  
20 a continuance and exclude time until March 1, 2013, would unreasonably deny the defendant  
21 effective preparation of counsel, taking into account the exercise of due diligence. See 18 U.S.C.  
22 § 3161(h)(7)(B)(iv). Finally, the parties agree, and the Court finds and holds, that the ends of  
23 justice served by excluding time from February 1, 2013, through March 1, 2013, outweigh the  
24 best interest of the public and the defendant in a speedy trial. Id. § 3161(h)(7)(A).

25 **IT IS SO ORDERED.**

27 DATED: 1/31/2013

  
HON. PAUL S. GREWAL  
United States Magistrate Judge